

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATATREASURY CORPORATION §
PLAINTIFF §

vs. §

WELLS FARGO & COMPANY; WELLS §
FARGO BANK, NATIONAL §
ASSOCIATION; BANK OF AMERICA §
CORPORATION; BANK OF AMERICA, §
NATIONAL ASSOCIATION; U.S. §
BANCORP; U.S. BANK, NATIONAL §
ASSOCIATION; WACHOVIA §
CORPORATION; WACHOVIA BANK, §
NATIONAL ASSOCIATION; SUNTRUST §
BANKS, INC.; SUNTRUST BANK; BB&T §
CORPORATION; BRANCH BANKING §
AND TRUST COMPANY; §
BANCORPSOUTH, INC.; §
BANCORPSOUTH BANK; COMPASS §
BANCSHARES, INC.; COMPASS BANK; §
CULLEN/FROST BANKERS, INC.; THE §
FROST NATIONAL BANK; FIRST §
HORIZON NATIONAL CORPORATION; §
FIRST TENNESSEE BANK, NATIONAL §
ASSOCIATION; HSBC NORTH §
AMERICA HOLDINGS INC.; HSBC §
BANK USA, N.A.; HARRIS BANKCORP, §
INC.; HARRIS N.A.; NATIONAL CITY §
CORPORATION; NATIONAL CITY §
BANK; ZIONS BANCORPORATION; §
ZIONS FIRST NATIONAL BANK; §
BANK OF NEW YORK CO., INC.; §
THE BANK OF NEW YORK; §
UNIONBANCAL CORPORATION; §
UNION BANK OF CALIFORNIA, §
NATIONAL ASSOCIATION; BANK OF §
TOKYO-MITSUBISHI UFJ, LTD.; §
CITIZENS FINANCIAL GROUP, INC. §
CITY NATIONAL CORPORATION; §
CITY NATIONAL BANK; COMERICA §
INCORPORATED; COMERICA BANK §
& TRUST, NATIONAL ASSOCIATION; §

Civil Action No. 2:06cv72

JURY TRIAL DEMANDED

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| DEUTSCHE BANK TRUST COMPANY | § | |
| AMERICAS; FIRST CITIZENS | § | |
| BANCSHARES, INC.; FIRST CITIZENS | § | |
| BANK & TRUST COMPANY; KEYCORP; | § | |
| KEYBANK NATIONAL ASSOCIATION; | § | |
| LASALLE BANK CORPORATION; | § | |
| LASALLE BANK NA; M&T BANK | § | |
| CORPORATION; M&T BANK; THE PNC | § | |
| FINANCIAL SERVICES GROUP, INC.; | § | |
| PNC BANK, NATIONAL ASSOCIATION | § | |
| UBS AMERICAS, INC.; SMALL VALUE | § | |
| PAYMENTS COMPANY, LLC; THE | § | |
| CLEARING HOUSE PAYMENTS | § | |
| COMPANY, LLC; MAGTEK, INC; FIRST | § | |
| DATA CORPORATION; TELECHECK | § | |
| SERVICES, INC., REMITCO, LLC and | § | |
| ELECTRONIC DATA SYSTEMS CORP. | § | |
| | § | JURY TRIAL DEMANDED |
| <i>DEFENDANTS</i> | § | |

**PLAINTIFF DATATREASURY CORPORATION’S RESPONSE TO
DEFENDANT FIRST-CITIZENS BANK & TRUST COMPANY’S MOTION TO
DISMISS FOR FAILURE TO STATE A CLAIM, OR IN THE ALTERNATIVE,
FOR A MORE DEFINITE STATEMENT**

Comes now Plaintiff DataTreasury Corporation (“DataTreasury”) and files its Response to Defendant First-Citizens Bank & Trust Company’s Motion to Dismiss for Failure to State a Claim, or in the Alternative, for a More Definite Statement. Also pending before this Court is Plaintiff’s response to Defendant First-Citizens Bank & Trust Company’s Motion to Dismiss for Lack of Personal Jurisdiction, which was contained in the Defendant’s same motion. This response only serves as a response to Defendant’s Motion to Dismiss for Failure to State a Claim, or in the Alternative, for a More Definite Statement. The parties have agreed to extend Plaintiff’s time to respond to Defendant’s Motion to Dismiss for Lack of Personal Jurisdiction. DataTreasury

respectfully requests that this Court deny First-Citizens Bank & Trust Company's Motion in its entirety. In support thereof, DataTreasury incorporates, in its entirety, its Response to Defendants' Various Motions to Dismiss, or in the Alternative for More Definite Statement and the arguments and authorities cited therein filed on June 14, 2006.

Respectfully submitted,

/s/ R. Benjamin King

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via the Court's electronic filing system on all counsel who have consented to electronic service on this the 14th day of June, 2006.

/s/ R. Benjamin King
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